

REMARKS/ARGUMENTS

The foregoing amendments and these remarks are in response to the Office Action, mailed March 4, 2010. No fees are believed due in connection with this response; however, the Director is authorized to charge any fees which may be required in connection with this response to Deposit Account No. 14-1437.

At the time of the Office Action, claims 1-25 were pending. Claims 20-25 were rejected. Claims 1-25 were objected to.

By way of this amendment, claims 1, 3-16, 18-24, 26, 27 remain in the case. Claims 1, 10, 14, 20 and 22 have been amended. Claims 2, 17 and 25 have been cancelled. Claims 26 and 27 have been added present alternative aspects of a modified epoxy. Reconsideration in view of the following remarks and entry of the foregoing amendments are respectfully requested. No new matter has been added.

PRIORITY

As set forth in the Listing of Claims above, Applicants have amended claims 2, 10, 20 and 22 as suggested by the Examiner. Therefore, it is respectfully submitted that amended claims 2, 10, 20 and 22, as well as claims dependent thereon, are fully supported by the provisional application, and that, accordingly, all claims on file have an effective filing date of December 23, 2003.

SPECIFICATION

The Examiner states that the particle size limitation in original claims 2 and 20 (and dependent claims 21-25) is not supported by the instant specification, the international application or the provisional application.

Applicants have amended these claims, as suggested by the Examiner.

Applicants point out that, as stated in the provisional application (see paragraphs [0057]-[0060], [0082], [0085], [0086]), the international application (see paragraphs [0066], [0067], [0071]), and the instant specification (see paragraphs [0066], [0067] for example), the micrometer range applies to agglomerates of clay particles that may form in the clay solution after incorporation of the particles.

The Examiner states that the range limitation of claims 10 and 22 is not supported in the instant specification, the international application or the provisional application.

Applicants amend claims 10 and 22, as suggested by the Examiner, and add new claims 26 and 27 to recite features commensurate with the instant specification (see for example paragraphs [0092] and [0101]), the international application (see for example paragraph [0092]), and the provisional application (see for example paragraphs [0081] and [0087]).

REJECTIONS UNDER 35 U.S.C. § 101 and U.S.C. § 112

Claim 25 was rejected under 35 U.S.C. 112 as being indefinite because "it merely recites a use without any active, positive steps delimiting how this use is actually practiced." Claim 25 was also rejected under 35 U.S.C. 101 "because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process." In this Amendment, Applicants have cancelled claim 25 without prejudice. As a result, the rejections of claim 25 are moot.

REJECTION UNDER 35 U.S.C. § 102/103

Claims 20-22, 24 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over, **Drzal et al.** (US 2005/0119371). Applicants respectfully traverse the rejection as follows.

Drzal et al. was published on June 2, 2005, i.e. after the effective filing date of amended claims 20-22, 24 and 25, which is December 23, 2003. Therefore, **Drzal et al.** is not citable art against the claims 20-22, 24 and 25 of the present application.

From the foregoing, it is respectfully submitted that the Examiner's rejection of claims 20-22, 24 and 25 under 35 U.S.C. § 102(b) and § 103(a) is moot. Reconsideration and removal of the rejection of these claims based on **Drzal et al** is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over **Drzal et al.** in view of **Furihata**. Applicants respectfully traverse the rejection as follows.

Drzal et al. was published on June 2, 2005, i.e. after the effective filing date of claim 23,

which is December 23, 2003, and therefore **Drzal et al.** is not citable art. Thus, the combination of Drzal et al./Furihata is not proper and must be withdrawn.

Moreover, **Furihata** does not teach or even hint at a modified epoxy as recited in claim 23.

It is respectfully submitted that the rejection of claim 23 under 35 U.S.C. § 103(a) is moot. Reconsideration and removal of the rejection of this claim is respectfully requested.

CONCLUSION

In light of the foregoing, it is respectfully submitted that the objections and rejections set forth in the Office Action have been overcome. Accordingly, Applicant respectfully requests reconsideration of the application in light of the above amendments and remarks, removal of the claim objections, withdrawal of the rejections under 35 U.S.C. §§ 101, 102, 103 and 112, allowance of the pending claims, and prompt issuance of a Notice of Allowance.

Respectfully submitted,

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